



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,805	12/11/2000	William Hsiao-Yu Ku	AUS9-2000-0768-US1	2052

7590 08/12/2003
Robert H. Frantz
P.O. Box 23324
Oklahoma City, OK 73123-2334

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,805

Applicant(s)

KU ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:


SAM RIMELL
PRIMARY EXAMINER

Art Unit: 2175

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: In line 3, the word "protocol" is repeated, rendering the claim slightly confusing. This can be readily corrected by deleting the second instance of "protocol".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hogan et al. ('368).

Claim 1: Hogan et al. defines a method system which enables a user to search program repositories, collectively indicated by (72) in FIG. 10. The repositories are a series of inter networked databases that contain programming objects (col. 8, lines 55-58). The objects are also called "repository units" (col. 7, lines 28-34) and can be object oriented software. Accordingly, the repositories themselves are object interface repositories, and are available on-line to various users (FIG. 10). FIG. 4 defines a search screen that allows the repositories to be searched. The TCP/IP protocol utilized in Hogan et al. for conducting the search is considered to be an object request broker protocol by reason that this protocol allows the request of programming objects. A plurality of search criteria fields (18-21) are provided. The user then receives a results list of

Art Unit: 2175

available repository units (object oriented programs) along with the attributes (metadata) of each repository unit (col. 15, lines 3-4).

Claim 2: The user can input program object name (repository unit file name, col. 10, line 17. Also note the text box 19 in FIG. 4 which allows the input of any listed attribute).

Claim 3: The user can input a repository identifier (repository name, col. 10, line 15).

Claim 4: The user can input an object server identifier (processor type, col. 10, line 29).

Claim 5: The user can input an object container identifier (repository unit password, col. 10, line 17).

Claim 6: Since the repositories contain object oriented programs (col. 8, lines 55-58), the queries for the repositories containing these objects would inherently be considered a standard CORBA interface repository query.

Claims 7-10: Col. 15, lines 3-4 states that the displayed results can be sorted according to any of the listed attributes. Since the attributes of object name, object server identifier, object container identifier and object modification date (col. 10, line 10 through col. 10, line 17) are each listed attributes, the results of the search query can be sorted according to any one of these attributes.

Claim 11: FIG. 1 illustrates a user's local disk (3) which is inherently capable of saving any input search or search result.

Claim 12: Any input of data or search query constitutes an input of a user remark, and can be saved on the local disk (3).

Claim 13: The purchase record of purchased data (col. 15, line 15) reads as the claimed history list.

Art Unit: 2175

Claim 14: See remarks for claim 1.

Claim 15: See remarks for claim 2.

Claim 16: See remarks for claim 3.

Claim 17: See remarks for claim 4.

Claim 18: See remarks for claim 5.

Claim 19: See remarks for claim 6.

Claims 20-23: See remarks for claims 7-10.

Claim 24: See remarks for claim 11.

Claim 25: See remarks for claim 12.

Claim 26: See remarks for claim 13.

Claim 27: See remarks for claim 1.

Claim 28: See remarks for claim 2.

Claim 29: See remarks for claim 3.

Claim 30: See remarks for claim 4.

Claim 31: See remarks for claim 5.

Claim 32: See remarks for claim 6.

Claim 33-36: See remarks for claims 7-10.

Claim 37: See remarks for claim 11.

Claim 38: See remarks for claim 12.

Claim 39: See remarks for claim 13.

Remarks

Applicant's arguments and amendments have been considered.

Claims 1, 14 and 27 have been amended to recite the object request broker protocol and to further recite the metadata or definitions at programming interfaces.

As stated during the interview of May 23, 2003, examiner finds that the TCP/IP protocol used in Hogan et al. is readable as the object request broker protocol by reason that TCP/IP is a protocol which permits (and in the case of Hogan et al., facilitates) the request of programming objects. Examiner also finds that in Hogan et al., metadata definitions (attributes of the repository units) are displayed when a search is performed and the results displayed to the user.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2175

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175